

Flynn & Wietzke, PC  
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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RAKEEN HENDERSON,

Plaintiff,

15 Civ.

-against-

COMPLAINT

NJ TRANSIT RAIL OPERATIONS,  
INC., and “JANE DOE 1-100”

Defendants.

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PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Flynn & Wietzke, PC, complains of the defendant and alleges:

FIRST: This action is brought under the Federal Employers’ Liability Act, (45 U.S.C. Sec. 51 et seq.).

SECOND: The defendant is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

THIRD: That prior to November 2, 2012, and at all times hereinafter mentioned, the defendant employed the plaintiff as a signal maintainer under its direction, supervision and control and in furtherance of defendant’s business in interstate commerce.

FOURTH: That prior to November 2, 2012, and at all times hereinafter mentioned, the defendant maintained, operated and controlled the right of way near Castle Road, Secaucus, New Jersey, which contained defendant’s tracks, rails, switches, sidings, roadbeds and appurtenances

thereto, over, through and upon which the defendant operated engines, trains and cars under its control and direction.

FIFTH: That on or about November 2, 2012, while the plaintiff, an employee of the defendant, was in the performance of his duties as a signal maintainer along the right of way near Castle Road, Secaucus, New Jersey, the defendant, its agents, servants and employees, so negligently and carelessly conducted themselves toward the plaintiff in failing to provide plaintiff with a reasonably safe place to work; in failing to warn plaintiff; in failing to inspect; in failing to maintain plaintiff's work place; in failing to provide safe ingress and egress to plaintiff's work location; in failing to properly train plaintiff; and, so negligently failed and neglected to enact and enforce safety rules, regulations, procedures, and practices for activities carried out by its personnel at the said place, including applicable employee safety policy and procedures; that all of the foregoing brought about severe and disabling injuries to plaintiff, including but not limited to fractured bones and torn ligaments and tendons in his left elbow.

SIXTH: That the said injuries occurred while the plaintiff was acting in the furtherance of interstate commerce or in work closely or substantially affecting the same.

SEVENTH: That the plaintiff was damaged thereby in the sum of \$250,000.00.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS; together with the costs and disbursements of this action.

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